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CITY AND COUNTY OF SAN FRANCISCO

15
16 UNITED STATES DISTRICT COURT
17
18 NORTHERN DISTRICT OF CALIFORNIA

19 JANE ROE, an individual; MARY ROE, an
individual; SUSAN ROE, an individual; JOHN
ROE, an individual; BARBARA ROE, an
individual; PHOENIX HOTEL SF, LLC, a
California limited liability company; FUNKY
FUN, LLC, a California limited liability
company; and 2930 EL CAMINO, LLC, a
California limited liability company,

23 Plaintiffs,

24 vs.

25 CITY AND COUNTY OF SAN
FRANCISCO, a California public entity,

26 Defendant.

27 Case No. 4:24-cv-01562-JST

28 **DEFENDANT CITY AND COUNTY OF SAN
FRANCISCO'S OBJECTION TO
PLAINTIFFS' REPLY IN SUPPORT OF
ADMINISTRATIVE MOTION TO EXTEND
TIME (ECF NO. 121)**

Trial Date: August 10, 2026

1 Defendant City and County of San Francisco objects to Plaintiffs' reply brief. ECF No. 121.
 2 The local rules do not permit reply briefs with administrative motions unless ordered by the Court.
 3 N.D. Cal. Civ. L. R. 7-11(c) ("Unless otherwise ordered, a Motion for Administrative Relief is deemed
 4 submitted for immediate determination without hearing on the day after the opposition is due."); *see*
 5 *also Morgenstein v. AT & T Mobility LLC*, No. CV 09-3173 SBA, 2009 WL 3021177, at *3 (N.D. Cal.
 6 Sept. 17, 2009) ("The Court directs Defendant to Civil L.R. 7 -11 that prohibits a Reply in
 7 Administrative Motions."); *Omoregie v. Boardwalk Auto Ctr., Inc.*, No. C 07-3884 PJH, 2008 WL
 8 4792643, at *1 (N.D. Cal. Oct. 31, 2008) ("Plaintiff's objection to defendant's opposition, is in essence
 9 a reply brief, which is not permitted by Civil Local Rule 7-11, the route plaintiff chose by which to
 10 proceed."). The Court did not order reply briefing here and should refuse to consider Plaintiffs' filing.

11 The City also objects to the content of Plaintiffs' reply as misleading to suggest the reason Dr.
 12 TerMeer's deposition did not proceed on October 21 was because of the City's objection, when in fact
 13 Dr. TerMeer's counsel informed the parties the witness was out of the country and Plaintiffs took the
 14 deposition off-calendar.

15 On October 9, after the City learned Plaintiffs intended to serve the non-parties with deposition
 16 subpoenas it requested Plaintiffs provide proofs of service when the notices were served. One week
 17 later, having received no confirmation, the City followed-up again stating: "We followed up on last
 18 Thursday 10/9 to request proofs of service when the proposed subpoenas had been served on the four
 19 non-party witnesses, and have not yet received confirmation that the deposition notices were ever
 20 served. Accordingly, the City understands that these depositions will not go forward and [sic] the date
 21 and time initially proposed. Given the limited window before these depositions are set to take place,
 22 can you please confirm that understanding today?" Plaintiffs' counsel responded: "I am currently
 23 working on when those two depositions can be scheduled and will of course get your availability
 24 before confirming anything," to which the City replied: "Thanks for the email and appreciate the
 25 context. We'll get you availability for the HH dates, but appreciate you confirming that there's no
 26 need for us to schedule coverage for the initially noticed dates next week on Tuesday (10/21) and
 27 Wednesday (10/22)." Four days later on October 20, Plaintiffs' counsel changed course and sent an
 28 email stating: "So the deposition of Dr. TerMeer and PMQ of SF Aids will be going forward

1 tomorrow at 10AM as noticed. *They were served this morning and there is an off chance they might*
2 *appear.*" (emphasis added). There was no update indicating the deposition of Mr. Wilson would
3 proceed. Later that same day counsel for Dr. TerMeer wrote the parties that his client "is currently out
4 of the country on a previously scheduled vacation and is unavailable for deposition at this time," to
5 which Plaintiffs' counsel responded: "Thank you for reaching out and letting us know. We can
6 confirm that the deposition scheduled for tomorrow will not proceed as Dr. TerMeer is out of the
7 country." Any suggestion that the City was the reason these depositions did not move forward on
8 October 21 and 22 is incorrect.

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10 Dated: November 3, 2025

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